Chapter E. Protection of Natural Features and Resources (Environmental Management)

Article VIII: Clean Community

Section 1: Short title.

A. This Article shall be known and may be cited as the "Clean Community Ordinance."

Section 2. Purpose.

A. Jekyll Island possesses unique natural assets and amenities which enhance the value and enjoyment of the community by residents, businesses and visitors. These assets are irreplaceable and must be preserved and protected in order to allow the public's continued enjoyment of these natural resources, enhance property values, prevent nuisances, protect public health and safety, and protect the safety of wildlife.

B. Thus, this ordinance is intended to provide for the uniform prohibition of any and all littering on public or private property.

Section 3. Definitions.

A. For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

1. *Aircraft:* Any contrivance now known but is not limited to or hereafter invented, used or designated for navigation or for flight in the air. The term "aircraft" includes helicopters and lighter-than-air dirigibles, balloons, and unmanned aerial vehicles.
2. *Authorized Receptacle:* A container, not to exceed 95 gallons, of substantial construction, with tight-fitting lid and equipped with handles sufficient for safe and convenient handling. Such receptacles shall be maintained in a serviceable condition at all times.
3. *Commercial Handbill:* Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:
    a. Which advertises for sale any merchandise, product, event, commodity or thing;
    b. Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof;

c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or any event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this Section shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when it is held or given or takes place in connection with the dissemination of information. Provided, however, that nothing contained in this Section shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by law of this state or under any ordinance of Jekyll Island; or

d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes for the private benefit and gain of any person so engaged as an advertiser or distributor.

4. *Contagious Disease*: An infectious disease that is transmitted by contact with an infected individual or infected bodily discharges or fluids, by contact with a contaminated surface or object, or by ingestion of contaminated food or water.

5. *Litter:* All forms of discarded or abandoned materials including but not limited to sand, gravel, slag, rubbish, waste material, tin cans, refuse, garbage, trash, debris, plastic decorations including artificial flowers or flower petals, animal waste, bottles, glass, cans, boxes, containers, unclaimed papers or paper products, all tobacco products, tires, appliances, furniture, tree and landscape materials, grass trimmings, leaves, mechanical equipment or parts, building or construction materials, wooden pallets, tools, machinery, wood, motor vehicles and motor vehicle parts or equipment, vessels, aircraft parts equipment, waste oil, batteries, antifreeze, sludge, or any other discarded material or substance of every kind and description.

6. *Industrial Waste:* All waste, including solids, semisolids, sludge and liquids, created by factories, processing plants or other manufacturing concerns.

7. *Discard:* To get rid of as unwanted any physical material, substance or thing which has been left, dropped, placed, thrown, dumped or otherwise disposed of in a manner or place that does not reasonably suggest an intent to preserve, protect or retain the use or possession of that which is left.

8. *Disposal Site:* A location for the final disposal of solid waste, putrescible waste, hazardous waste or other waste, except this term shall not be deemed to

include land or a facility used for the disposal of solid waste or other waste from a single-family dwelling by the owner, occupant or lessee thereof.

9. *Garbage:* The by-product of animal or vegetable food resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odor, or which during or after decay may serve as breeding areas or feeding material for flies, insects or animals.
10. *Jekyll Island:* a political subdivision of the State of Georgia, as defined in O.C.G.A. 12-3-241.
11. *Hazardous Refuse:* Materials that are harmful to humans, animals, or environmental health, such as poisons, acids, caustics matter or solutions, chemicals, infected materials, offal, fecal matter, explosives, sewage sludge, radioactive materials and highly flammable substances.
12. *Junked Vehicle:* Any automobile, truck, van, boat, or trailer of any kind or type that is abandoned, wrecked, dismantled, partially dismantled, inoperative, or without a current and valid vehicle registration tag or otherwise illegal.
13. *Newspaper:* Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, includes any periodical or current magazine, regularly published with not less than four issues per year and sold to the public.
14. *Noncommercial Handbill:* Any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a Commercial Handbill or newspaper.
15. Nuisance: A nuisance shall mean any condition which tends to the immediate annoyance of the public in general, or is manifestly injurious to the public health, or safety. A nuisance includes, but is not limited to, the keeping, depositing, or scattering on or over the property of dead animals, stagnant water, decayed vegetables or fruits, filthy privies, unkept stables, junk, trash, litter, or debris, or any dilapidated furniture, appliance, machinery, equipment, building material, junked vehicle, boat, or other item which is either in a wrecked, junked, dismantled or inoperative condition, and which is not completely enclosed within a building or a dwelling, or anything having an offensive odor.

16. *Park:* A park, reservation, playground, beach, recreation center or any other public area in Jekyll Island, owned or used by Jekyll Island and devoted to active or passive recreation.

17. *Person:* An individual, firm, company, partnership, corporation, association, institution, or other legal entity.

18. *Public* or *Private Property:* Means the right-of-way of any road, street, highway, alley, or thoroughfare; any body of water or watercourse, including any river, channel, ditch, canal, stream, and marshland; any tidal or coastal water or the shores or beaches thereof; any park, playground, sidewalk, or public building and the grounds thereof; any refuge, conservation, or recreation area; any residential, private, or farm properties; any timberlands or forests; any dumpsters or litter receptacles; and any other site, place, or location of every kind and description.

19. *Vehicle:* Every device in, upon or by which any person or property is or may be transported or drawn upon a road, a waterway, or used upon stationary rails or tracks.

Section 4. Littering.

A. It shall be unlawful for any person or persons to dump, deposit, throw, leave, discard, place, discharge, dispose, drop or to cause or permit the dumping, depositing, placing, throwing, leaving, discarding, discharging, disposing, or dropping of litter on any property on Jekyll Island or the waters of Jekyll Island, unless:

   1. The property is designated by the Authority or an agency of the State of Georgia for the disposal of litter and the person is authorized by the proper public authority to use such property; or

   2. The litter is placed into a litter receptacle or container installed on the property and the person is authorized or permitted to place litter in such litter receptacle or container.

B. Whenever litter is thrown, deposited, dropped, discarded, discharged, disposed, or dumped from any motor vehicle, boat, aircraft, or other conveyance in violation of this Section, or any other section of this Division regarding littering, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that the operator of the conveyance has violated subsection (a) of this Section or the relevant section regarding littering.

C. Except as provided in subsection (b) of this Section, whenever any litter which is dumped, deposited, thrown, left, discarded, placed, discharged, disposed, or dropped on public or private property in violation of this Section, or any other

section of this Division regarding littering, is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, the trier of fact may in its discretion and in consideration of the totality of the circumstances infer that such person has violated subsection (a) of this Section or the relevant section regarding littering.

D. No person shall drive or move any truck or other vehicle within Jekyll Island unless such vehicle is so constructed or loaded as to prevent any loads, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within Jekyll Island the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, concrete, liquid wastes, paints, or hazardous substances, litter or foreign matter of any kind.

E. No person shall drive or move any loaded truck or other vehicle within or upon any Jekyll Island roadway or any other public road within Jekyll Island unless such vehicle and the load therein are covered by canvas or other protective material providing complete coverage, properly secured, so as to prevent any load, contents or litter from becoming loose, detached or blown from the vehicle or from dropping or escaping from the vehicle during movement of the vehicle. No person shall drive or move a vehicle that is open to air such as truck beds, open-top or open-side sport utility vehicles, and convertibles with unsecured trash or litter being open to air, nor shall they operate a vessel upon the water within Jekyll Island with unsecured trash or litter being open to air.

F. Construction site operators must control waste, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste, at the construction site.

G. It shall be unlawful to throw, place, deposit, sweep or scatter, or cause to be thrown, placed, deposited, swept, or scattered, any paper, food, cigarette butts, bottles, cans, trash, fruit peelings, plastic flower petals and decorations, balloons, or other refuse upon the beaches or structures erected hereon. Beach goers must have their trash in a container at all times.

H. It shall be unlawful to release balloons, helium or otherwise, and/or heat or flame operated devices sometimes referred to as "sky lanterns," "Chinese lanterns," or "floating lanterns," to include, with regard to balloons or lanterns, helium, foil, mylar, or "bio-degradable" devices or items from any location on Jekyll Island, including the beach, structures on the beach and waters adjacent thereto, and such activity shall be classified as "littering" and subject to the prohibition herein.

Section 5. Placement of Litter in Receptacles so as to Prevent Scattering.

A. Persons placing litter in public receptacles or in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public or private property.

B. If a public trash or recycling receptacle is full, persons are responsible for finding another lawful place to dispose of litter properly.

Section 7. Maintenance of General Property.

A. The owner, occupant, or person in control of any private leasehold shall at all times maintain the premises free of litter; provided, however, this Section shall not prohibit the storage of litter in authorized receptacles for collection.

B. No person shall sweep into or deposit on any street, sidewalk, ditch, or gutter or into or adjacent to any drainage structure the accumulation of litter from any building or property.

C. No persons shall sweep, blow or dump litter, leaves or other yard waste unto ditches, gutters, streets, sidewalks, roadsides, parks, or unto others' leaseholds.

D. No person leasing or occupying a place of business shall sweep into or deposit in any gutter, street, ditch, or other public place within Jekyll Island the accumulation of litter from any building or lot or from any public or private road, sidewalk or driveway.

E. Persons owning or occupying places of business within Jekyll Island shall keep their business premises free of litter.

F. Merchants are required to use their own trash receptacles, unless otherwise arranged by written agreement with the Authority.

G. Beach Village Merchants shall not use trash disposal, compactor, or recycling facilities at or adjacent to Beach Village for the disposal of trash or refuse generated outside of their Beach Village premises.

H. Merchants generating food waste or food-contaminated waste shall be required to utilize compactors rather than dumpsters or bins for the containment of such waste. If compactor service is not available, merchants shall be required to arrange for daily pickup of such waste.

I. Trash must be collected from the location it is generated and shall not be moved from one location to another if trash collection is available at the location where the trash is generated.

Section 9. Special Refuse Disposal.

A. *Contagious Disease Refuse.* The removal of clothing, bedding or other refuse from places where highly infectious diseases have prevailed shall not be placed in receptacles or bulk containers for regular collection. The producers of pathological wastes, or the owners of premises upon which pathological waste is produced shall arrange for disposal of such waste adhering to all federal, state and local laws.

B. *Disposal of Needles or Hypodermic Instruments.* Any person who uses, disposes of, or discards any hypodermic syringes, hypodermic needles, or devices for making hypodermic injections shall be required to dispose of these instruments into containers that are puncture resistant, leak proof on the bottom and sides, sealable, labeled and color coded as biohazardous materials. Any person who uses disposable needles shall be required to dispose of these in containers that are rigid, puncture resistant and leak proof, and which are taped closed or tightly lidded to completely contain the contents therein and prevent any spillage. Said containers shall be disposed of in a manner that adheres to all federal, state and local laws.

Section 11. Property Management.

Within Jekyll Island State Park:

A. It shall be unlawful for any person having an ownership or leasehold interest in property, having a contractual obligation to manage property, or occupying property for any purpose, including vacant lots or land, in such a way as to allow trash, garbage, litter, or miscellaneous refuse to accumulate or otherwise go uncollected.

B. It shall be unlawful for any person having a leasehold interest in property, having a contractual obligation to manage property, or occupying property, to create, commit, conduct, promote, facilitate, permit, fail to prevent, let happen, or to allow to remain any nuisance in or on such property.

C. Restaurants and other food establishments, including convenience stores, shall maintain at all times on their premises sufficient receptacles for the disposal and containment of trash, garbage, and miscellaneous refuse. It shall be the responsibility of these establishments to also ensure that the disposal and containment area(s), including all back-of-house areas, such as compactor enclosures, remain free from litter at all times.

D. Dispersed litter, garbage, and miscellaneous refuse occurring anywhere on leased property or originating on leased property shall be the responsibility of the lease holder or occupant to promptly collect regardless of the means of dispersal,

whether that be littering by clients or guests, wind, water, wildlife, or other causes.

Section 12. Abandoned Motor Vehicles.

A. It shall be unlawful to abandon any motor vehicle as provided in O.C.G.A. § 40-11-1.

Section 13. – Commercial and Non-Commercial Hand Bills Placement and Disposal

A. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within Jekyll Island.

B. No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle.

C. It shall be unlawful for any person to direct, order or instigate the placing of commercial or noncommercial Handbills in violation of the Section. Furthermore, in the prosecution for the violation of these sections, the fact that a person, a product or a place of business is advertised on a commercial or noncommercial handbill shall be prima facie evidence that the person advertised, or the proprietor of the product advertised, or the proprietor of the place of business advertised, as the case may be, was the person directing the placing, distributing or throwing away the advertising matter in question.

D. No person shall throw or deposit any commercial or noncommercial handbill or any newspaper in or upon any private premises which are vacant.

E. No person shall throw, deposit or distribute any commercial or noncommercial handbill or any newspaper upon any private premises if requested by any person thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Vendors," "No advertisement," or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed or to have any such handbills left upon such premises.

F. Any commercial or noncommercial handbill, flyer, doorhanger, or newspaper that is deposited on a private premises in accordance with this Section, shall be properly secured or affixed to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

G. The provisions of this Section shall not apply to the distribution of mail by the United States nor to newspapers (as defined herein), except that, newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Section 14. Posting Notices Prohibited.

A. No person shall post or affix any notice, poster, handbills or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or tree, sign or upon any public structure or building, except as may be authorized by the Authority or required by law.

Section 15. Clearing Litter from Leaseholds by Jekyll Island Authority.

A. *Notice to Remove.* The Jekyll Island Authority Code Enforcement Officer or their designee is hereby authorized and empowered to notify the lease holder or the agent of any leasehold within Jekyll Island that the conditions of such owner's property constitute a danger to the public health, safety or welfare. Such notice shall be handed directly to the leaseholder or agent or sent registered or certified mail, addressed to such owner at his last-known address.

B. *Action Upon Noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within thirty (30) days after receipt of written notice or if the same is returned to the post office because of its inability to make delivery thereof, provided the same was properly addressed to the last-known address of such owner or agent, the Authority is authorized and empowered to either remove the litter or to pay for its removal.

C. *Charge for Removal.* When the Authority has borne the cost of litter removal due to noncompliance of the responsible party, the actual cost, plus accrued interest (at the rate of six percent per year) from the date of the completion of the work, shall be charged to the owner of such property.

Section 16: Penalties.

A. Any person who violates the Jekyll Island Clean Community Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

1. The punishment imposed for any violation of this Chapter shall not exceed a fine of $1,000.00 or sixty (60) days imprisonment or both; however, the minimum fine which will be imposed shall be not less than $300.00 for a first offense, $600.00 for a second offense, and $1000.00 for a third or subsequent offense. Each occurrence such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

2. The person may be directed to pick up and remove from any public property or private right-of-way, for a distance not to exceed two miles, any litter the

person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence.

3. The person may be directed to pick up and remove from any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon prior to the date of execution of sentence so long as the legal owner or tenant in lawful possession of such private property has given prior permission.
4. If in the sound discretion of the Judge of the Magistrate Court, removal of the litter by the person would be unsafe, impractical, not feasible, or impossible, the person may be directed to reimburse Jekyll Island for the cost of removal and/or cleanup of the litter that the person deposited on public property.
5. The Judge of the Magistrate Court may publish the names of persons convicted of violating this ordinance.

Section 17. Solid Waste Collection Practices.

A. The following practices and procedures shall be employed in order to facilitate the collection of solid wastes:

1. *Solid Waste Fee.* There is assessed upon every occupied leasehold a fee for providing solid waste collection and disposal, recycling, and yard waste collection to be charged to each leaseholder in an amount to be set by the Jekyll Island Authority each year.
2. *"Back-door" service required for rental properties.* Property used for any part of the year as a vacation rental must be enrolled in the "back door" service program for trash/recycling pickup continuously during the term licensed for property rental.
3. *Refuse.* All refuse and recycling shall be placed and maintained in containers provided by the Authority or their contract hauler. All containers shall be maintained at all times with tight-fitting lids or covers.
4. *Placement of Cans.* There shall be no placing of garbage cans on the street side of real property unless the cans are fully screened from view.
5. *Garbage.* All garbage placed in containers for collection shall first be drained of all liquids, and shall be wrapped, bagged, or enclosed in paper or plastic material.
6. *Injurious Trash Items.* All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.

7. *Hazardous Refuse and Building Materials.* No hazardous refuse or building materials shall be placed in any household receptacle at any time.

8. *Yard Trash.* Other than for scheduled collection, yard debris shall be not be allowed to accumulate in a gutter, ditch, or in the street.

Section 18. Prohibited Activities

A. The following activities are hereby declared to be unlawful and in violation of this Article.

1. *Blockage of Drainage.* No person shall place any refuse, trash, refuse receptacles, or containers on, over or near any storm drain or drainage ditches, or so close thereto as to cause such material to interfere in any way with such drainage.

2. *Unauthorized Storage.* Any accumulation of refuse or trash items on or originating from any lot, property, premises, public streets, alley or other public or private place not permitted by this Article is hereby declared to be a public nuisance. Failure of owner or occupant to remove and correct any such accumulation of refuse shall raise the presumption that such person intended to violate this Article.

3. *Junk.* It shall be unlawful for any person to place or leave outside any building or dwelling except as specified in Section 17 any dilapidated furniture, appliance, machinery, equipment, building material, junked vehicle, or other items which is either in a partially rusted, wrecked, junked, dismantled or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Article, shall be presumed to be abandoned and subject to being removed from the property by the Authority without further notice. The Authority may charge the owner or occupant a fee for the cost of removing said item or items.

    a. The Jekyll Island Vehicle Maintenance Facility is exempt from this provision.

4. *Appliances.* It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing them from the lock or door. This Section shall not apply to any appliances, refrigerators or container which has been placed on or adjacent to the rear of the building and which has been crated, strapped or locked so that it will be impossible for a child to obtain access to any compartment thereof.

5. *Scavenging.* No person other than the owner thereof, or an agent or

employee of the Authority, shall disturb or interfere with any container used for the purpose of storing refuse pending its collection, or remove any contents there from or remove such container from its location.

Section 19. Special Refuse and Wastes.

A. *Hazardous Refuse.* No hazardous refuse shall be placed in any household receptacle used for collection of refuse.

B. *Building Materials.* The owner will be responsible for the collecting or hauling of building material originating from private property preliminary to, during or subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures. Such material shall be removed by the owner of the property or by the contractor.

C. *Hazardous or Liquid Waste.* Hazardous or liquid waste or highly combustible industrial waste shall be disposed of in a manner which meets all federal, state and local laws and regulations.

Section 20. Severability.

A. Should any section, subsection, sentence, clause or phrase of this ordinance, or the application thereof to any person or circumstances for any reason be held by a court of competent jurisdiction to be invalid or void, the validity of the remainder of this ordinance, or the application of such provision to other persons or circumstances shall not be affected thereby to the extent that any remaining portion of the ordinance may reasonably be given effect without the invalid or void portion.